

EXHIBIT 15

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 Civil Case No. 17-CV-02393

- - - - -x

4 CIERA WASHINGTON,

Plaintiff,

5 -against-

6 WALGREENS; WALGREENS CO.; DUANE READE;
DUANE READE INC.; DUANE READE
INTERNATIONAL, LLC; and Individually and
7 Jointly; LUIS GUERRERO; GERMAINE ALLEN;
VIVIAN GHOBRIAL; and CRYSTAL BECKRUM,

8 Defendants.

- - - - -x

9
10 1250 Broadway
New York, New York
11 February 7, 2018
10:00 a.m.

12
13 PORTIONS CONFIDENTIAL,
ATTORNEYS' EYES ONLY

14
15 DEPOSITION of MICHAEL GEYER, a witness
16 appearing on behalf of the Defendants in
17 the above-entitled action, held at the
18 above time and place, taken before Brian
19 Brenner, a Shorthand Reporter and Notary
20 Public of the State of New York, pursuant
21 to the Federal Rules of Civil Procedure,
22 Court Order and stipulations between
23 Counsel.
24
25

1 M. GEYER

2 Q You've just spoken with the
3 court reporter and he put you under oath.
4 Do you recall that?

5 A Yes.

6 Q Have you ever been a part of a
7 deposition before?

8 A I have.

9 Q In connection --

10 MS. MORRISON: Strike that.

11 Q Who is your current employer?

12 A Duane Reade which is part of the
13 Walgreens family of companies.

14 Q It's a subsidiary of Walgreens?

15 A We are owned and aligned to
16 Walgreens as a parent company, but we are
17 a separate company because we are a
18 unionized shop, if you will, versus
19 Walgreens which is not. We are part of
20 the Walgreens family of companies but we
21 are independent of them because of the
22 union affiliation.

23 Q Is it accurate to say that Duane
24 Reade is a subsidiary of Walgreens?

25 A Yes.

1 M. GEYER

2 Q Do you know who might have
3 reviewed any records related to that?

4 MS. WELCH: Objection.
5 You can answer.

6 A I don't know. I don't know.

7 Q Are you aware that Plaintiff was
8 employed with Walgreens and Duane Reade in
9 2015?

10 A I believe that to be accurate,
11 yes.

12 Q And in the early part of 2016 as
13 well, are you aware of that?

14 A I believe that to be accurate.

15 Q And why do you believe that to
16 be accurate?

17 A Just based on the information
18 that I pulled, that I recall viewing, you
19 know, the date of hire information, like
20 that.

21 Q So in terms of any sort of
22 discipline that Plaintiff may have
23 received including termination,
24 suspension, what have you, are you
25 familiar with any of that?

1 M. GEYER

2 that Gregory Spears was fired on November
3 2015, according to this voluntary
4 statement, right?

5 A Seemingly so, yes.

6 Q But do you see the date of the
7 voluntary statement from Mr. Guerrero?

8 A Yes, I do.

9 Q What date is it?

10 A 2/22/16.

11 Q This voluntary statement was
12 done in February 2016 after Gregory Spears
13 was allegedly fired in November of 2015,
14 right?

15 A Correct.

16 Q So the voluntary statement from
17 Mr. Guerrero was actually done November,
18 December, January -- three months after
19 Gregory Spears was fired and you said
20 that's not typically done, right?

21 A Not typical.

22 Q Turn to the next page Bates
23 stamped DR173. Do you see there's another
24 voluntary statement there?

25 A I do.

1 M. GEYER

2 Q Have you ever seen this
3 particular one with Ms. Washington's
4 handwriting on it? So you know, her
5 voluntary statement consists of three
6 pages, DR173, 174, and 175 as it is in
7 this statement, as it is in the documents
8 produced by Defendants. Do you see that?

9 A I do.

10 Q Did you say that you had never
11 seen this before?

12 A I have not seen this before.

13 Q Did you know that Ms. Washington
14 did a voluntary statement?

15 A I did not.

16 Q Again we have an incident that
17 we are talking about that occurred in
18 October of 2015, right?

19 A Um-hmm, yes.

20 Q But Ms. Washington's voluntary
21 statement was in February 2016. That
22 again is not really conforming with
23 company policy, right?

24 MS. WELCH: Objection.

25 A It's not typical so I'm not sure

1 M. GEYER

2 what the circumstances were or are that
3 something was written later, you know,
4 months later.

5 Q Because that's unusual, correct?

6 MS. WELCH: Objection.

7 A It's not typical.

8 Q If someone --

9 MS. MORRISON: Strike that.

10 Q Again you said you've never --
11 you don't know anything specific about
12 Plaintiff with respect to this at all,
13 right?

14 A I do not.

15 Q How about the following pages of
16 this document, 177 through 188? Do you
17 have any knowledge of the significance of
18 these documents produced by Defendant with
19 respect to Plaintiff?

20 A Specifically to her, no, I do
21 not. I mean, I know what they are.

22 Q What are they?

23 A So these are electronic captures
24 of specific transactions. That's on 177.
25 Then after that, 178 through 188, they

1 M. GEYER

2 transactions?

3 A Correct.

4 Q In 177 at the top it says
5 receipt details, start date 10/13/15, end
6 date 10/13/15. Do you see that?

7 A 177, you said?

8 Q Receipt details.

9 A Yes.

10 Q Does that mean that this receipt
11 is from 10/13/15?

12 A It appears that way.

13 Q If someone is suspended -- we
14 are talking about with reference to
15 Plaintiff only -- for allegedly being
16 involved in --

17 MS. MORRISON: Strike that.

18 Q If someone's suspended, that
19 would be investigated, the reasons before
20 they are suspended, as policy?

21 MS. WELCH: Objection.

22 A As policy, yes.

23 Q And they would generally be
24 voluntary statements before the suspension
25 related to --

1 M. GEYER

2 A Typically, yes.

3 Q And in your experience most of
4 the time you will have voluntary
5 statements occurring before a suspension
6 occurs if they are related to the reasons
7 for the suspension?

8 A Typically, yes.

9 Q You've already testified to
10 typically about voluntary statements.
11 That's before a person's fired?

12 A Typically, yes.

13 Q As a policy and practice of the
14 company?

15 A Yes.

16 Q Turn to the same exhibit,
17 Plaintiff's Exhibit 6, Bates DR169. Do
18 you see that that's an e-mail, e-mail
19 communication?

20 A I do.

21 Q At the top there doesn't appear
22 to be a date to this e-mail, but it's from
23 Vivian Ghobrial, correct?

24 A Correct.

25 Q But there's no date on this

1 M. GEYER

2 particular document e-mail, but below
3 there, there's a date of February 19,
4 2016. Do you see that?

5 A I do.

6 Q And that's a communication with
7 the subject Ciera Washington,
8 communications between Troy Hennessy and
9 Vivian Ghobrial, correct?

10 A Correct.

11 Q Now, going back up to the top,
12 Vivian Ghobrial's e-mail doesn't have a
13 date on it, but do you see that it says HR
14 has reviewed Ciera Washington's paperwork
15 and video regarding her suspension and
16 supports the decision to terminate? Do
17 you see that?

18 A I do.

19 Q It says: "Please contact
20 Ms. Washington and inform her that her
21 employment is terminated due to an
22 investigation that shows her accepting
23 items that were price modified for her by
24 another associate and for failure to get a
25 bag check prior to leaving the store."

1 M. GEYER

2 Do you see that?

3 A I do.

4 Q And above it says violation of
5 rules. Do you see that?

6 A I do.

7 Q Now, we already said there were
8 no rules against an employee accepting
9 items that were price modified by another
10 associate, right?

11 A We did.

12 Q So that wasn't a violation of
13 rules, correct?

14 MS. WELCH: Objection.

15 A Apparently -- you know,
16 seemingly no, but again, I don't know the
17 particulars of what really happened here.

18 Q But according to this e-mail it
19 says terminated due to investigation that
20 shows her accepting items that were price
21 modified for her by another associate.

22 A Right.

23 Q So to your knowledge of the
24 rules, policies, practices in effect
25 during Plaintiff's employment, accepting

1 M. GEYER

2 items that were price modified by another
3 associate is not a violation of any rule,
4 correct?

5 MS. WELCH: Objection.

6 Q You've already testified to
7 this.

8 A Yeah, you're right, but again I
9 don't know what specifically happened
10 here.

11 Q It also says: "And for failure
12 to get a bag check prior to leaving the
13 store."

14 Do you see that?

15 A I do.

16 Q Do you know of any written or
17 verbal or otherwise policy in effect
18 during Plaintiff's employment saying an
19 employee will be fired for not getting a
20 bag check prior to leaving the store?

21 A To be fired? No, but it is
22 required that you get a bag check when you
23 leave the store.

24 Q Is that policy written anywhere
25 in the employee handbook?

1 M. GEYER

2 A I believe it is in here
3 somewhere.

4 Q Can you find it?

5 A At the bottom of page 81 --

6 Q Bates stamp 81?

7 A Yes. All employees are subject
8 to bag checks and locker checks at random
9 intervals.

10 Q It doesn't say prior to leaving
11 the store, right?

12 A Correct.

13 Q So there is no policy -- there's
14 a policy with respect to you being subject
15 to it randomly, but there was no policy in
16 effect during Plaintiff's employment that
17 you have to get a bag check prior to
18 leaving the store, period, right?

19 A At the time, correct.

20 Q And there's certainly no policy
21 at any time during Plaintiff's employment
22 that there was a violation of --

23 MS. MORRISON: Strike that.

24 Q There was certainly no violation
25 during Plaintiff's employment, written,

1 M. GEYER

2 Q Got it, but you don't recall
3 what information you reviewed
4 specifically?

5 A No. I could tell you that what
6 I did review did not -- did not reveal
7 anything like that, at least what I've
8 seen. Maybe someone else has something
9 different. I don't recall. I don't know
10 that, so I can't say that.

11 Q Got it, so when you're saying
12 that, you may have seen information; is
13 that correct, in sum and substance?

14 A Yeah, or read something or that
15 line something, you know, somewhere, but,
16 you know, I don't have specific
17 information.

18 Q Got it. I just want to
19 understand. So you're saying you may have
20 reviewed information regardless of whether
21 it's written or what have you that
22 indicated that Plaintiff may have made
23 complaints that she was being retaliated
24 dense during her employment?

25 A Yes.